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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

the application of:

HEINZ et al

Serial Number: 07/965,305

Allowance Date: March 14, 1994

Batch No. V86

Filed: October 23, 1992

For: ELECTROMECHANICAL BACK BRACE APPARATUS

FURTHER REQUEST FOR SMALL ENTITY STATUS

Honorable Commissioner
of Patents and Trademarks
Washington, D.C. 20231

April 12, 1994

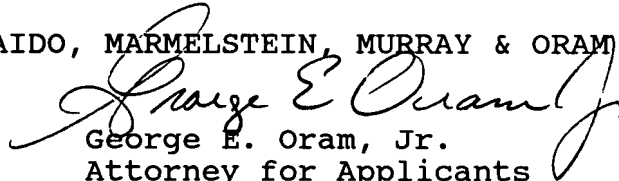
Sir:

As indicated on the Notice of Allowance and Issue Fee Due dated March 14, 1994, applicants for the above identified application were indicated to be a large entity. It is respectfully contended that this is in error. Submitted herewith is a copy of the "Verified Statement Claiming Small Entity Status" a "Request for Refund and Granting of Small Entity Status", all filed December 18, 1992, and a copy of the return receipt post card for these items. It is respectfully requested that the Patent Office records be corrected and that the Small Entity Status of this application be acknowledged.

In the event any fees are required, please charge our
Deposit Account No. 14-1060.

Respectfully submitted,

NIKAIDO, MARMELSTEIN, MURRAY & ORAM


George E. Oram, Jr.
Attorney for Applicants
Registration No. 27,931

Atty. Docket No. P3232-2002

Metropolitan Square
655 Fifteenth Street, N.W.
Suite 330, G Street Lobby
Washington, DC 20005-5701
Telephone (202) 638-5000

GEO/jw

Attachments: Copy of Request for Refund and Granting of Small
Entity Status dated 12/18/92;
Copy of Small Entity Declaration;
Date Stamped Return Receipt Postcard



Patent ☒ Trademark ☐ Docket No. P3232-2002
Serial No. 07/965,305 Filed October 23, 1992

Applicant(s) HEINZ et al

Papers filed herewith on December 18, 1992

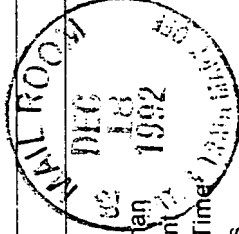
XX Fees \$ (355.00 Refund)
☐ New Application
☐ Amendment
☐ Notice of Appeal
☐ Appeal Brief
☐ Assignment
☐ Letter to Draftsman
☐ Priority Document
☐ Req. for Ext. of Time
☐ Formal Drawings

XX Other Request for Refund and Granting of
Small Entity Status

Receipt is hereby acknowledged of the papers filed as indicated in connection with the above-identified case.

GEO:jw

COMMISSIONER OF PATENTS



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

HEINZ et al

Serial Number: 07/965,305

Filed: October 23, 1992

For: ELECTROMECHANICAL BACK BRACE APPARATUS



Art Unit: 3309

REQUEST FOR REFUND AND GRANTING
OF SMALL ENTITY STATUS

Honorable Commissioner
of Patents and Trademarks
Washington, D.C. 20231

December 18, 1992

Sir:

Request is hereby made for a refund in the amount of
Three Hundred Fifty-Five Dollars (\$355.00).

The applicant herein is entitled to small entity status
under 37 CFR 1.6(f) and 1.27(b) and, therefore, it is believed that
a refund in the amount of one half of the filing fee is proper.

Enclosed herewith please find a Verified Statement
Claiming Small Entity Status.

It is respectfully requested that the refund be credited
to the undersigned's Deposit Account No. 14-1060. A duplicate copy
of this sheet is enclosed herewith.

Respectfully submitted,

NIKAIDO, MARMELESTEIN, MURRAY & ORAM

George E. Oram, Jr.
Attorney for Applicants
Registration No. 27,931

Atty. Docket No. P3232-2002
Metropolitan Square
655 Fifteenth Street, N.W.
Suite 330, G Street Lobby
Washington, DC 20005-5701
Telephone (202) 638-5000
Facsimile (202) 638-4810
GEO/jw
Attachment: Small Entity Declaration

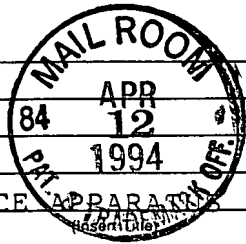
COPY

SMALL ENTITY DECLARATION

APPLICANT OR PATENTEE HEINZ et al

SERIAL NO. _____ ☐ PATENT NO. _____

ATTORNEY'S DOCKET NO. P3232-2002



1. ☒ FILED OR ISSUED October 23, 1992

2. ☐ SUBMITTED HEREWITH _____

FOR ELECTROMECHANICAL BACK BRACE APPARATUS

I(we) hereby declare that I(we) am(are) entitled to the benefit of small entity status with respect to the above-identified application or patent for purposes of paying reduced fees under 35 USC 41(a) & (b) to the U.S. Patent and Trademark Office.

☐ A. INDEPENDENT INVENTOR

I(we) qualify as (an) independent inventor(s) as defined in 37 CFR 1.9(c).

☐ B. INDIVIDUAL NON-INVENTOR

I would qualify as an independent inventor as defined in 37 CFR 1.9(c) if I had made the invention.

☒ C. SMALL BUSINESS CONCERN

I am ☒ THE OWNER ☐ AN OFFICIAL of the small business concern identified below and am empowered to act on behalf of the concern. The concern qualifies under 37 CFR 1.9(d) and 13 CFR 121.3-18. Rights under contract or law have been conveyed to and remain with the concern and are exclusive unless a checkmark is placed here ☐. All other rights belong to small entities as defined in 37 CFR 1.9.

☐ D. NON-PROFIT ORGANIZATION

I am an official empowered to act on behalf of the non-profit organization identified below. The organization qualifies under 37 CFR 1.9(e), sub-section: ☐ (1) ☐ (2) ☐ (3) ☐ (4). Rights under contract or law have been conveyed to and remain with the organization and are exclusive unless a checkmark is placed here ☐. All other rights belong to small entities as defined in 37 CFR 1.9.

I(we) acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I(we) declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

A. INDEPENDENT INVENTOR(S) B. INDIVIDUAL NON-INVENTOR(S)

Name _____ Signature _____ Date _____

Name _____ Signature _____ Date _____

Name _____ Signature _____ Date _____

C. BUSINESS CONCERN D. NON-PROFIT ORGANIZATION

BIO CYBERNETICS INTERNATIONAL, 10 Congress St., Suite 403, Pasadena,

Name of Concern or Organization _____ Address California 91105

By Thomas J. HEINZ

Name of Person Signing

Signature

Owner

Title

Date

Thomas J. Heinz
12/7/92

COPY